

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: HETTISH et al.

Application No.: 10/673,390

Filing Date: 9/29/2003

For: SYSTEM AND METHOD FOR  
MAPPING IDENTITY CONTEXT  
TO DEVICE CONTEXT

Confirmation No.: 4143

Group Art Unit: 2161

Examiner: Kavita Padmanabhan

# APPEAL BRIEF

Docket No.: 2003P08063US

Mail Stop APPEAL - PATENTS (via EFS)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action mailed July 27, 2009 (the "Final Office Action"), rejecting claims 1 – 7, 9 – 17, 20, and 21.

## **REAL PARTY IN INTEREST**

The present application is assigned to Siemens Information and Communication Networks, Inc., 900 Broken Sound Blvd., Boca Raton, Florida 33487.

## **RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known to Appellant, Appellant's legal representative, or assignee, which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

## **STATUS OF CLAIMS**

Claims 1 – 7, 9 – 17, 20, and 21 are pending and being appealed.

Claims 8, 18, and 19 have been cancelled.

## **STATUS OF AMENDMENTS**

No amendments to the claims are pending or were filed after the Final Office Action.

## **SUMMARY OF CLAIMED SUBJECT MATTER INVOLVED IN THE APPEAL**

Some embodiments of the present invention relate to a method, article of manufacture, and system for mapping an identity oriented context to a device oriented context for a specific device associated with the identity, where the device oriented context provides an availability or work status of the specific device. FIG. 1 provides a block diagram of a system including a Context Agent 102, an Identity Context Oriented Application 104, a Presence and Availability Service 106, a Device Context Oriented Application 108, and a number of user devices 110, 112, 114, and 116. FIG. 2 is another embodiment of a system according to the disclosure, including a communication network 122. FIGS. 3, 5, 6, and 7 further disclose and illustrate aspects of the claimed methods of the invention, while FIG. 4 provides an illustrative depiction of an identity context to device context mapping table. FIG. 8 provides an example of a

server that may implement one or more of the components associated with FIG. 1 and/or the claimed methods.

Appellant will now map each of the independent claims, and the dependent claims that are argued separately, to the disclosure of this application.

### **Claim 1**

Claim 1 recites a method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 6, ln. 29 – pg. 11, ln. 4);

receiving a request to make a change to a new identity oriented context for an identity, wherein said new identity oriented context is associated with said identity and provides an availability status of said identity (FIG. 3, 134; FIG. 5, 152; pg. 11, ln. 22 – 25; pg. 14, ln. 3 – 6);

mapping said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device (FIG. 3, 138; FIG. 5, 156; pg. 11, ln. 30 – pg. 13, ln. 3; pg. 14, ln. 9 – 14); and

providing data indicative of said mapped device oriented context to a the device context oriented application (FIG. 3, 140; FIG. 5, 158; pg. 13, ln. 4 – 11; pg. 14, ln. 15 – 18).

### **Claim 20**

An article of manufacture comprising:

a computer readable medium having stored thereon instructions which, when

executed by a processor, cause said processor to:

interface an identity oriented context application that represents a context of an identity based on an availability or state of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 6, ln. 29 – pg. 11, ln. 4);

receive a request to make a change to new oriented identity context for an identity, wherein said new identity oriented context is associated with said identity and provides an availability status of said identity (FIG. 3, 134; FIG. 5, 152; pg. 11, ln. 22 – 25; pg. 14, ln. 3 – 6);

map said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device (FIG. 3, 138; FIG. 5, 156; pg. 11, ln. 30 – pg. 13, ln. 3; pg. 14, ln. 9 – 14); and

provide data indicative of said mapped device oriented context to a device context oriented application (FIG. 3, 140; FIG. 5, 158; pg. 13, ln. 4 – 11; pg. 14, ln. 15 – 18).

### **Claim 21**

A system, comprising:

a processor FIG. 8, 210; pg. 17, ln. 10 – 17);

a communication port coupled to said processor and adapted to communicate with at least one device (FIG. 8, 212; pg. 17, ln. 10 – 17); and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor (FIG. 8, 212; pg. 17, ln. 24 – pg. 20, ln. 18) to:

interface an identity oriented context application that represents a context of an identity based on an availability or state of the identity with a device oriented context application that determines an availability of the device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 6, ln. 29 – pg. 11, ln. 4);

receive a request to make a change to new identity oriented context for an identity, wherein said new identity oriented context is associated with said identity and provides an availability status of said identity (FIG. 3, 134; FIG. 5, 152; pg. 11, ln. 22 – 25; pg. 14, ln. 3 – 6);

map said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device (FIG. 3, 138; FIG. 5, 156; pg. 11, ln. 30 – pg. 13, ln. 3; pg. 14, ln. 9 – 14); and

provide data indicative of said device oriented context to a device context oriented application (FIG. 3, 140; FIG. 5, 158; pg. 13, ln. 4 – 11; pg. 14, ln. 15 – 18).

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claims 1 – 7, 9 – 17, 20, and 21 are unpatentable under 35 USC 102(b) as being anticipated by Diacakis et al. U.S. Publication 2002/0116336, hereinafter “Diacakis”.

## **ARGUMENT**

### Claims 1 – 7, 9 – 17, 20, and 21 are Patentable

Claim 1 relates to a method including interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons,

receiving a request to make a change to a new identity oriented context for an identity, where the new identity oriented context is associated with the identity and provides an availability status of the identity, mapping the new identity oriented context from the identity oriented application to a device oriented context from the device oriented application for a specific device associated with the identity, wherein the device oriented context provides an availability or work status of the specific device; and providing data indicative of the mapped device oriented context to the device context oriented application.

Clearly, Appellant claims interfacing an identity oriented context application with a device oriented context application. The claimed identity oriented context application represents a context of an identity based on an availability of the identity, whereas the claimed device oriented context application provides an availability of a device associated with the identity. That is, the claimed “identity oriented context application” is related or referenced (i.e., oriented) to *an availability or state of an identity*, whereas the claimed “device oriented context application” is related or referenced (i.e., oriented) to *an availability or state of a device*.

Appellant notes that the availability of a device associated with the identity is provided by the device oriented context application, as stated in the Specification at page 5, lines 15 - 21 where Appellant clearly discloses, “[A]n identity may have one or more associated devices. ...Each device may have an associated device context. ... Context for a device may describe the work or non-work state, and/or the availability or non-availability state, that the device is in.” (emphasis added)

Thus, it is clear that the claimed “device oriented context application” provides an availability of a device associated with the identity. The claimed “device oriented context application” does not provide an availability or presence of an individual.

Appellant respectfully submits claim 20 (reciting an article of manufacture) and claim 21 (reciting an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application.

The cited and relied upon Diacakis does not disclose (or suggest), at least, the claimed aspects of a (1) device oriented context application and (2) mapping a new device oriented context to the identity oriented context.

Appellant notes the Office maintains the rejection of the pending claims on the basis and interpretation that Diacakis' disclosed presence and availability (P&A) management server 12, which is explicitly related to determining the presence and availability of *an individual*, is equivalent to the claimed "device oriented context application", as stated in the Final Office Action dated July 27, 2009 (hereinafter, FOA) at pages 2 – 3. However, the Office's characterization of Diacakis is mistaken and factually unsupported by the Diacakis disclosure.

Appellant submits that Diacakis factually discloses a P&A management server 12 that includes "a presence detection engine 18 and an availability management engine 20". (Diacakis, para. [0024], ln. 7 – 10) The presence detection engine 18 and the availability management engine 20 together form the P&A management server 12 and cooperate to provide the functionality of determining the presence and availability of an individual to the P&A management server 12. Appellant notes Diacakis repeatedly states throughout the entirety of its disclosure that the purpose and function of the disclosed methods and systems therein is to determine the presence and availability of an individual (i.e., identity or person). Diacakis is related specifically to an *individual's* presence and availability, as previously presented and argued in the Amendment and Response filed with the Office on September 28, 2009 at page 9, paragraphs 3 and 4 citing Diacakis paragraphs [0026] – [0027 ].

Based on the express disclosure of Diacakis, it is clear Diacakis explicitly and exclusively defines the terms "presence" and "availability" in the context of "the ability of *an individual* to access a particular communications network" and "the willingness of *an individual* who is present on one or more communications networks to be reached by one or more persons", respectively. That is, both the presence detection engine 18 and the availability management engine 20 are explicitly defined by Diacakis in relation to, with reference to, and "oriented" to an individual. Neither the Diacakis defined presence detection engine 18 nor the availability management engine 20 are disclosed in relation

to, with reference to, and “oriented” to a device. Therefore, it is clear that Diacakis fails to disclose or suggest the claimed “device oriented context application that determines an availability or state of a device associated with the identity”.

Additionally, all assertions to expand the meaning of the Diacakis terms “presence” and “availability” beyond the specific definitions provided by Diacakis would be impermissible and counter to the plain meaning, scope, and expressed intent of the Diacakis reference.

Diacakis’ presence detection engine 18, as explicitly disclosed and defined therein, provides a presence of an individual. The fact that the individual may be present on a network or a device does not alter the fact that Diacakis provides a presence of the individual. It is the presence of the individual that is *determined* by Diacakis, not the presence or availability of the network or device.

Appellant further respectfully requests the Office to refer to the Amendment and Response filed with the Office on September 28, 2009 at page 10, paragraphs 4 and 5 and page 11, paragraph 1 citing Diacakis paragraphs [0038] and [0040]. Appellant notes Diacakis clearly explicitly discloses the P&A server 12 determines the presence of an individual based on the presence detection engine’s determination of the individual’s presence on a network and the availability management engine’s determination of the individual’s availability based on the individual’s presence information from presence engine 18 and additional information about the individual. Without question, Diacakis’ presence detection engine 18 provides presence information about the individual. The presence information about the individual from the presence detection engine 18 is used by the availability management engine 20, in combination with the individual’s rules and preferences, to determine the individual’s availability. The individual’s rules and preferences may determine or control how the individual’s presence information from the presence detection engine is classified or characterized.

Therefore, it is respectfully submitted that both the presence detection engine 18 and the availability management engine 20 using individual presence information from the presence engine 18 relate to a presence (i.e., the ability of an individual to access a particular communications network) and availability of an individual.



Contrary to the assertions in the FOA, there is no disclosure or suggestion that the asserted Diacakis presence detection engine 18 is the same as, analogous to, or equivalent to the claimed “device oriented context application that provides an availability of a device”.

Appellant also notes that the FOA appears to admit that the Diacakis presence detection engine 18 is directed to the availability of an individual (and not the availability of a device) since the FOA states, “presence detection engine interpreted as a device oriented context application *since it determines user’s presence* on particular devices” at page 2, paragraph 6. While Appellant disagrees with the Examiner’s conclusion that the presence detection engine is or should be interpreted as a device oriented context application, Appellant agrees with the FOA statement that “it determines *user’s presence* on particular devices” (where “it” refers to the presence detection engine) is accurate based on the explicit disclosure of Diacakis. That is, Appellant agrees with the factual statements by the Examiner (i.e., “the presence detection engine determines *user’s presence*”) but disagrees with the Examiner’s conclusion based on those factual underlying statements.

Appellant reiterates Diacakis provides numerous examples of the presence detection engine 18 providing the individual’s presence on different networks. Appellant incorporates the arguments of record related to Diacakis’ extensive disclosed examples of the identity (i.e., individual) oriented application therein – the presence detection engine 18. Accordingly, Appellant will not repeat the citations of record to Diacakis at paragraphs, [0026], [0027], [0038], and [0040].

Appellant respectfully submits that claims 1, 20, and 21 are not anticipated by Diacakis. Appellant further submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis for depending from an allowable base claim. Therefore, Appellant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 9– 17, 20, and 21 under 35 USC 102.

Therefore, Appellant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 15 – 17 under 35 USC 102.

## CONCLUSION

For at least the reasons set forth above, Appellant respectfully submits that the rejection of the claims is improper. Accordingly, Appellant respectfully requests that the rejection be reversed.

No extension of time is believed due. The requisite fee of \$540.00 is paid herewith through EFS. If any additional fees are due in conjunction with this matter, the Commissioner is hereby authorized to charge them to Deposit Account 50-1852.

An Appendix of claims involved in this appeal is attached hereto.

If any issues remain, or if the Examiner or Board believes that a telephone interview would expedite the prosecution of this application in any way, kindly contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

March 25, 2010  
Date

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## APPENDIX A - CLAIMS

1. (Previously Presented) A method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons;

receiving a request to make a change to a new identity oriented context for an identity, wherein said new identity oriented context is associated with said identity and provides an availability status of said identity;

mapping said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device; and

providing data indicative of said mapped device oriented context to the device context oriented application.

2. (Previously Presented) The method of claim 1, wherein said receiving said request to make said change to said new identity oriented context for said identity includes receiving said request from an identity context oriented application.

3. (Previously Presented) The method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device.

4. (Previously Presented)            The method of claim 3, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device oriented context associated with said device.

5. (Previously Presented)            The method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes accessing a mapping table.

6. (Previously Presented)            The method of claim 1, further comprising:  
determining said device.

7. (Previously Presented)            The method of claim 1, further comprising:  
determining said device oriented context for said device.

8. (Canceled)

9. (Previously Presented)            The method of claim 1, wherein said providing data indicative of said device oriented context includes providing said data indicative of said device oriented context to a presence and availability service.

10. (Previously Presented)    The method of claim 1, further comprising:  
changing an identity oriented context for said identity from a first identity context to said new identity oriented context in response to said request.

11. (Previously Presented)            The method of claim 10, further comprising:  
providing data indicative of said new identity oriented context.

12. (Previously Presented)            The method of claim 1, further comprising:  
registering with a presence and availability service.

13. (Previously Presented)      The method of claim 12, wherein said providing data indicative of said device oriented context further comprises providing said data indicative of said device oriented context to said presence and availability service.

14. (Previously Presented)      The method of claim 1, further comprising:  
detecting a new device oriented context for a second device, wherein said second device is associated with a second identity; and  
mapping said new device oriented context to an identity oriented context for said second identity.

15. (Previously Presented)      The method of claim 14, wherein said detecting said new device oriented context for said second device includes detecting said new device oriented context in a presence and availability service.

16. (Previously Presented)      The method of claim 14, wherein said detecting said new device oriented context for said second device includes receiving a request to change said second device's device oriented context.

17. (Previously Presented)      The method of claim 14, wherein said mapping said new device oriented context to said identity context for said second identity includes determining said second identity.

18. (Canceled)

19. (Canceled)

20. (Previously Presented)      An article of manufacture comprising:  
a computer readable medium having stored thereon instructions which, when executed by a processor, cause said processor to:

interface an identity oriented context application that represents a context of an identity based on an availability or state of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons;

receive a request to make a change to new oriented identity context for an identity, wherein said new identity oriented context is associated with said identity and provides an availability status of said identity;

map said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device; and

provide data indicative of said mapped device oriented context to a device context oriented application.

21. (Previously Presented)                      An apparatus, comprising:

a processor;

a communication port coupled to said processor and adapted to communicate with at least one device; and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor to:

interface an identity oriented context application that represents a context of an identity based on an availability or state of the identity with a device oriented context application that determines an availability of the device associated with the identity, where the identity is a person or a group of persons;

receive a request to make a change to new identity oriented context for an identity, wherein said new identity oriented context is associated with said identity and

provides an availability status of said identity;

map said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity, wherein said device oriented context provides an availability or work status of the specific device; and

provide data indicative of said device oriented context to a device context oriented application.

## **APPENDIX B - EVIDENCE**

No evidence is being submitted with this Appeal Brief (*i.e.*, this appendix is empty).



## **APPENDIX C - RELATED PROCEEDINGS**

No prior or pending appeals, interferences, or judicial proceedings are known to Appellant, Appellant's legal representative, or assignee, which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal. Therefore, there are no copies of decisions rendered by a court or the Board to attach (*i.e.*, this appendix is empty).